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Date: February 28, 2002

Docket No.: 1110-0307P

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a Request for filing a ☐ continuation ☒ divisional
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of
pending prior Application No. 09/297,328 filed on April 29, 1999,
the entire contents of which are hereby incorporated by
reference,
by

NAGATA, Shigekazu; YATOMI, Takehiro; and SUDA, Takashi

for

PROPHYLACTIC/THERAPEUTIC AGENT

1. ☒ Enclosed is an application consisting of specification,
claims, declaration and drawings/photographs (if
applicable).
2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$740.00	\$370.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	15-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	5-3 =	2	x 84 = \$168.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
TOTAL			\$908.00	\$0.00

3. ☒ A check in the amount of \$908.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:

a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/297,328, filed on April 29, 1999, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--

b. ☒ --This application is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending Application No. 09/297,328, filed on April 29, 1999 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/297,328 is the national phase of PCT International Application No. PCT/JP97/03978 filed on October 31, 1997 under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application Nos. 08-290459; 08-351718; and 09-262521 filed in JAPAN on October 31, 1996; December

27, 1996; and September 26, 1997, respectively, under 35 U.S.C. § 119.--

6. ☒ Enclosed is/are twenty-one (21) sheet(s) of formal drawings and/or photographs.
- 7a. ☐ A statement claiming small entity status was filed in prior Application No. 09/297,328 on _____. See the attached copy of the statement claiming small entity status.
- 7b. ☐ The current application qualifies for small entity status.
8. ☒ The prior application is assigned to Mochida Pharmaceutical Co., Ltd. and Osaka Bioscience Institute
9. ☐ A Preliminary Amendment is enclosed.
- 10a. ☐ Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 10b. ☒ Priority of International Appln. PCT/JP97/03978 filed on October 31, 1997 under the Patent Cooperation Treaty and Japanese Application Nos. 08-290459; 08-351718; and 09-262521 filed in JAPAN on October 31, 1996; December 27, 1996; and September 26, 1997 under 35 U.S.C. § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
Telephone: (703) 205-8000

or
Customer No. 2292
13. ☐ An extension of time for _____ () month(s) until has been submitted in parent Application No. 09/297,328 in order to establish co-pendency with the present application.
14. ☒ Also enclosed herewith is the following:

Receipt of Deposit of Microorganisms; and

Verification of Translation.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *gmurphy* (Reg No 46,069)
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GMM/MAA/csp
1110-0307P

Attachments

(Rev. 11/15/01)